

EMN:NMA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M 11-1150

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UNITED STATES OF AMERICA,

-against-

ANTHONY GRAZIANO,
also known as "TG."

SUBMITTED UNDER SEAL

AFFIDAVIT IN SUPPORT OF
ARREST WARRANT

(T. 18, U.S.C. § 894)

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EASTERN DISTRICT OF NEW YORK, SS:

AL GYENES, being duly sworn, deposes and says that he is a Special Agent with the Drug Enforcement Administration, duly appointed according to law and acting as such.

Upon information and belief, in or about and between August 2011 and November 2011, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ANTHONY GRAZIANO, also known as "TG," together with others, did knowingly and intentionally conspire to participate in the use of extortionate means to collect an extension of credit from John Doe #1, in violation of Title 18, United States Code, Section 894(a)(1).

(Title 18, United States Code, Sections 894 and 3551 et seq.)

The source of your deponent's information and the grounds

for his belief are as follows:¹

1. I am a Special Agent with the Drug Enforcement Administration ("DEA"). I have been a Special Agent with the DEA for approximately ten years. I am currently assigned to a DEA squad that investigates the organized crime families of La Cosa Nostra ("LCN"). During my tenure with the DEA, I have participated in investigations that have included, among other investigative techniques, the use of physical surveillance, execution of search warrants, consensual recordings of individuals associated with narcotics trafficking and other criminal activities and debriefing of confidential sources and cooperating witnesses. Through my training, education and experience, I have become familiar with narcotics trafficking and other criminal activities and the efforts of persons involved in such activity to avoid detection by law enforcement.

2. I have participated in the investigation of the offenses described herein. As part of the investigation, among other things, I have conducted interviews of cooperating witnesses, reviewed reports of debriefings of witnesses by other law enforcement personnel, and reviewed reports by other investigative agencies. The statements contained in this affidavit are based in part on information provided by Special Agents of the DEA, other

^{1/} Because the purpose of this Affidavit is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

law enforcement personnel, confidential informants, cooperating witnesses and also are based on my experience and background as a Special Agent. All statements are provided in sum and substance and in part, and are based upon draft transcripts that are subject to change.

THE DEFENDANT

3. The defendant ANTHONY GRAZIANO is a seventy-one year old white male. The defendant is currently serving a federal sentence at a local halfway house as a result of his conviction in United States v. Cosoleto, et al., 02 Cr. 307 (NGG) (E.D.N.Y). In Cosoleto, GRAZIANO pled guilty, pursuant to a plea agreement, to, inter alia, racketeering conspiracy, in violation of 18 U.S.C. § 1962(d), including predicate acts of murder conspiracy, loansharking and illegal gambling. The defendant was sentenced to 108 months' imprisonment as a result of this conviction and he is scheduled to be released from custody on January 30, 2012.

4. A confidential source has identified the defendant as an inducted member of the Bonanno organized crime family of La Cosa Nostra (the "Bonanno family"), who, prior to his 2002 arrest, held the leadership position of captain and also helped to run affairs of the Bonanno family.²

^{2/} CS is an associate of the Bonanno family who has agreed to cooperate with the DEA and has consensually recorded meetings with members and associates of the Bonanno family, including GRAZIANO

CONSPIRACY TO EXTORT JOHN DOE #1

5. As set forth below, John Doe #1 owed the defendant a loanshark debt of over \$100,000, which members and associates of the Bonanno family attempted to collect on the defendant's behalf while the defendant was incarcerated, beginning in at least 2005.³ After the defendant's recent release from prison into a halfway house, he continued to try to collect from John Doe #1.

6. On August 16, 2011, CS consensually recorded a meeting with the defendant during which he requested that CS collect the debt from John Doe #1, as follows:

GRAZIANO: You remember this guy, [John Doe #1]? He owed me 150 thousand.

CS: I went to see him. [John Doe #1.]

GRAZIANO: Yeah.

CS: Yeah. I talked to the guy. [Co-Conspirator #1 ("CC-1") (a reference to a Bonanno family soldier and ruling panel member)⁴] asked me to take care of

and others. The information provided by CS has been corroborated by, among other things, information provided by other confidential sources and cooperating witnesses, consensual recordings and surveillances. CS has an extensive criminal history that includes crimes of violence.

^{3/} CS has advised that he was first directed to collect the loanshark debt from John Doe #1 in 2005, upon his release from prison. A review of prison records confirms that CS was released from prison in 2005.

^{4/} On June 21, 2010, CC-1 pled guilty, pursuant to a plea agreement, to conspiring to use extortionate means to collect an extension of credit, in violation of 18 U.S.C. § 894(a)(1), in the

it, right?

GRAZIANO: [CC-1], oh yeah, okay.

CS: I went to see the guy, the guy was crying hysterical on the boardwalk. I says, listen, you know Anthony [a reference to the defendant] would never do anything to you-

GRAZIANO: Never.

CS: And I'm not here to do anything to you either.

GRAZIANO: Listen to me, Tell him, says, "listen, Anthony says come to the house."

CS: You know, he says, they just repossessed my car, my wife, this, that and the other thing. I ain't gotta fucking quarter. And this fucking, who was there, who, (Co-conspirator #2 ("CC-2") was busting his balls telling him he's gonna crack his head open, shit like that. He says, you know these guys are threatening me, and I've been paying, listen, I been paying all these years-

GRAZIANO: G'ahead.

CS: "...while I had money. Now I got nothing. What am I supposed to do?"

GRAZIANO: (talking at the same time)

CS: "What do they want, my family?"

GRAZIANO: Go see him, right?

CS: Listen, this guy got to the point where, he said- I went to meet him one day, you know, because I hadn't called him in a coupla months, so they said to me- "get in touch with him again." I said, "listen-"

GRAZIANO: Who said that?

CS: [CC-1].

GRAZIANO: Well, he was trying to collect my money-

CS: I understand. That's not a you know, whatever. But the guy, I didn't get in touch with him for a coupla months because he was crying to me, what was I gonna tell him?

GRAZIANO: (talking over CS) No, no, no, no, nothing-

CS: There was nothing else to say.

GRAZIANO: This guy, I knew him since he's a baby.

CS: So I go to see him. He tells me I'm a peace officer.

7. According to my review of this recording and my participation in the investigation, CC-2 is a Bonanno family soldier who CS also consensually recorded discussing efforts to collect money from John Doe #1 on the defendant's behalf.⁵

8. For example, on October 25, 2011, CS consensually recorded a meeting with CC-2, as follows:

CC-2: So you find [John Doe #2], yet?

CS: No. I'm looking for [John Doe #2], [John Doe #1].

CC-2: [John Doe #1] is big money.

CS: Huh?

CC-2: [John Doe #1] is big.

CS: What's big mean? Yeah.

CC-2: [mumbling] he's big with shackles, yeah?

^{5/} CS has also advised that CC-2 is a Bonanno family soldier who tried to collect the loanshark debt from John Doe #1 on the defendant's behalf.

CS: We don't know where, where to fucking find him.

CC-2: He's shackles, yeah. He never even paid me.

CS: Last time I seen him, he tells me-

CC-2: With the police.

CS: I'm a peace officer.

CC-2: Yeah. Yeah.

CS: A peace officer. I said, what are you sayin' that for? What does that mean?

CC-2: (laughing)

CS: He goes, if anything happens to me, they'll be guys behind me because I'm a peace officer. I said, [John Doe #1] last time I saw you, you said you was glad it was me talking to you because everybody else was mean to me, you know, and I feel comfortable with you. I says, I just came here to see where we stand. I says, you don't have to throw that peace officer shit at me. You know, like you're telling me you're a fucking rat.

CC-2: (laughing) why don't you say you're a police officer-

CC-2: He [a reference to the defendant] did that, made them give him more, give him more, give him more, give him more, give him more, look at it now-

CS: So he buried him-

CC-2: He probably owes him over a hundred and something, from what I recall.

9. On November 9, 2011, CS consensually recorded the defendant directing CS to collect the loanshark debt from John Doe #1, as follows:

GRAZIANO: I think they mistreated this kid [referring to John

Doe #1].

CS: Badly,

GRAZIANO: I know.

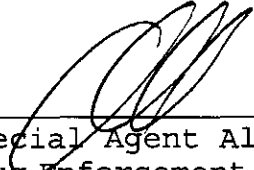
CS: Badly, the guy was crying. I felt so fucking bad.

GRAZIANO: I know. I'll tell him, listen to me [John Doe #1], here's the story. You owe me, how much ya think you owe me, my pal? He's gonna tell me, if it's fifty, I know what you're gonna do. What kind of cash could you come up with? Let me see what he says. If he got \$25k, I'll take the \$25k and call it even. You belong to me, anything you do, let me know, maybe I can make some money with you.

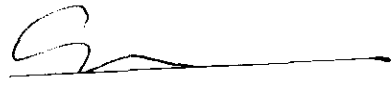
10. Based upon my participation in the investigation, including the foregoing recordings, I believe that the defendant and others on his behalf agreed to use extortionate means to collect an extension of credit from John Doe #1.

11. Because public filing of this document could result in a risk of flight by the defendant, as well as jeopardize the government's investigation, your deponent respectfully requests that the complaint and arrest warrant be filed under seal.

WHEREFORE, your deponent respectfully requests that a warrant be issued for the arrest of the defendant ANTHONY GRAZIANO so that he may be dealt with according to law.


Special Agent Al Gyenes
Drug Enforcement Administration

Sworn to before me this
21~~st~~ day of November, 2011


HON. ANDRI
UNITED STATES
EASTERN DISTRICT

S/Carter